

Municipal Review Committee Meeting Minutes of August 15, 2005

Attendance: Matt Balling, MRC Chairman Paul Shear, MRC Member
Richard Bigler, MRC Member Louis Depowski, MRC Member
Dan Michnik, MRC Member Richard McNamara
John Moulin, MRC Member Scott Bylewski
Jeff Grenzebach Peter Casilio
Steve Carmina, Carmina & Wood David Donohue, Deputy Town Attorney
Anne Case, Deputy Supervisor Bill Schutt
Steve Bakowski Norm Castine
Joyce Bakowski Angelo Natale
Wendy Salvati Pat Powers
A number of residents from the Boncrest Drive neighborhood

Minutes of the July 18, 2005 Meeting

ACTION: Motion made by Paul Shear, seconded by John Moulin, that the board accept the minutes as official.

VOTING: Ayes: ALL MOTION PASSED

Unfinished Business

Agenda Item I – Casilio Office Building, 8755 Sheridan Drive

Based on the Town Board recommendation that the MRC take a hard look at this project again, Matt Balling suggested that the MRC members review Part II and either ratify or change the decision that was made last month. Councilman Bylewski explained that the Town Board ultimately approves either a negative or positive declaration, but members of other town committees need to be involved in the SEQR process. He also discussed the memorandum to the Town Board from Wendy Salvati, Planning Board Vice-Chair. He added that her memo was sent within the 30-day period public comment period. He also said that it was his recommendation that the Town Board, based on this memo, send this project back to the MRC to make sure that SEQR is being complied with. He stated that there have been concerns brought up about the MRC and their recommendations, but the Town must strictly comply with the SEQR process. He said that he met with the MRC Chairman and members of the Planning Department this morning to discuss the process so that projects are not needlessly delayed. He has also encouraged Planning Board members as well as representatives of the Town Attorney's office to attend these meetings.

Matt Balling stated that he had prepared a draft Part II which reflects the impacts which he identified at the last meeting. He discussed the project's impact on "land", including stormwater management, groundwater quality, and water table depth. These can be addressed and the impacts can be mitigated. The size of the building and drainage were also mentioned as

potentially large impacts, but both can be mitigated by project changes. Impacts on plants and animals were also identified, including the DEC's mention of the Tanzi Mustard plant. The application of pesticides or herbicides was also discussed. The impact on aesthetic resources (the project's size) has been subject to a lot of public discussion. The project applicant has reduced the size of the building by a 'floor' but it still needs to be addressed and is identified as a potentially large impact. Archeological and historical impacts are also identified as large impacts. The State has identified that there may be Native American artifacts on the site. Testing can be done to mitigate this impact. An impact on open space has also been identified. This impact cannot be mitigated. Transportation is also identified, since there will be an alteration of the movement of people. It cannot be mitigated unless the square footage of the building is reduced. Traffic safety is identified because, when you add driveways to major highways, there is a potential collision risk. This can be mitigated by a reduction in driveways. Community character is also identified because it may: 1. conflict with officially adopted plans or goals; 2. change density of land use; and 3. conflict with the architecture of the surrounding area.

Matt Balling asked the Board members for their input on his presentation of potentially large impacts. There was a discussion regarding the height of the proposed building. A public comment period followed:

Irv Roy, 4715 Boncrest Drive E., stated that his house is directly south of the proposed project. He stated that his home is a ranch home, as are many of the homes in his neighborhood. He stated that he didn't feel that this committee was concentrating on this point. "In the past, the Town was conscious of this residential development; they provided green space and a buffer of 50 feet. Casilio wanted to take the 50 feet and turn it into parking. I don't trust how the project is being handled; we are getting double talk. Saying that the height of the building doesn't matter is baloney. The space of property that the building is being put on has to be looked at. They have two parcels, side by side. We have been told that if there isn't enough parking for the size of the building, they can always go to the next parcel. Once approval is given, they can do it to the next parcel as well. I think most of the Boncrest residents would agree that, if you were to build a medical or office facility on the same level as the other existing structures on Sheridan Drive, we wouldn't be here tonight breathing over your shoulders. When you take a 25 to 30 foot building and put it in my backyard, I am uncomfortable with it. I am uncomfortable with the traffic, the sanitation, runoff, and deep wells in the ground for drainage. I enjoy green space around homes; it adds to the property values. We depend on you, along with the Planning Board to make the right decision. The building is too large for that parcel. I believe they will chop into the 50-foot buffer and invade the privacy of my home and my neighbors. I don't have a good feeling about it."

Donnette Cius, 4725 Boncrest Drive E., stated that she is a neighbor of Irv Roy. "The preface of the Master Plan states that the community has stated that they want to remain somewhat of a rural town. In the June 29, 2005 Clarence Bee, Editor David Iman wrote, 'Clarence is at a critical juncture; the character of the Town is changing.' One of the main reasons we chose to move to Clarence was because of its semi-rural character. We feel that the modern look of the Casilio's proposed building is totally out of character. When you go over the Transit Road overpass traveling east on Sheridan you see the Welcome to Clarence sign and then you see homes and small businesses that look like homes. The rest of Sheridan should continue in that style. In the

minutes of the July 18th MRC meeting, Matt Balling mentioned that the Town zoning code requires that the architectural style of a building of 35,000 sq ft should conform to the styles in the immediate vicinity. Peter Casilio said that there really isn't a style in this area. We all beg to differ with that – existing buildings are low-rise, small scale, and of a residential flavor. The Erie-Niagara building is always mentioned, but the difference is that it doesn't have existing homes right behind it. I agree with everything that Irv said; we are not happy with the way things are going."

Steve Carmina, Carmina & Wood, stated that they are the architects and engineers on the project. He stated that the 50-foot buffer is 'not going away' – it is regulated. The first plan submitted did not have a buffer, which was his mistake. A new plan was immediately resubmitted which had a greater buffer than what was required. He was the architect for Erie/Niagara and they had all kinds of issues with the neighbors on Wenner Road. They were concerned with the height of the building also. He added that with the 50-foot buffer of trees, you won't be able to see anything, or very little. He asked the committee members to separate fact from emotion.

Peter Casilio stated that photographs of the property were taken on April 27th and sent to the Planning Department. (He showed the photographs to the neighbors at the meeting.) He added that view shots of the structure were also submitted to the Town at the same time. He also stated that they took 12-feet off of the original design of the building. They were not asked to do that. As the building sits on the site, the finished floor is approximately 4 to 5 feet lower than the elevations of the back of Callahan's property. They will have to build a small retaining wall around the southeast corner of the building because the property drops off. They will not be pitching the water toward the houses. Mr. Casilio stated that he disagreed with the Chairman's comments regarding the balloon tests. (The balloon test pictures were shown to the neighbors present at the meeting.) Mr. Casilio stated that these pictures were sent to the Town four times, email and hard copies. The results of the balloon test were discussed. Matt Balling asked who qualified the height. Mr. Casilio said that they had their in-house surveyor lay them out, but if anyone from the MRC or Planning Department wanted to measure the strings, they are welcome to do it. He added that none of the balloons were higher than the buildings to the rear of the property.

Jim Cius, 4725 Boncrest Drive E., stated that project should be addressed according to code. He stated that the square footage for this building exceeds the code. He also added that the building might be aesthetically pleasing, but it does not blend in with the neighborhood.

Steve Carmina stated that the MRC is not responsible for the building square footage that the Town Board issues. When the project goes back to the Town Board, after concept and development plan approval, a special exception permit will be needed for a building more than 10,000 sq. ft. It is not up to the MRC to decide the allowable square footage on the site. He added that all other areas meet the code. Green areas exceed what is required by code.

Jim Hartz asked the applicant if the two issues brought up in the DEC's letter were addressed, specifically the Tansy Mustard plant and the archeologically sensitive areas. Steve Carmina said that a walk-over of the site was done, and that he will provide a letter to the Planning & Zoning Office.

ACTION: Motion by Paul Shear, seconded by Dan Michnik, to **TABLE** further discussion on this project, particularly Part II and Part III of the environmental forms, until the Committee members, individually, have the opportunity to review what has been presented, and either disagree, agree, or take issue with specific items.

VOTING: Ayes: ALL MOTION PASSED

Agenda Item II – Stage/Schurr Subdivision

Matt Balling stated that there appears to be an inconsistency between the new site plan and the EAF Part I. On the site plan there are only 9 building lots, but the EAF Part I identifies 12 lots. The applicant was asked to clarify the inconsistencies and resubmit the information through the Planning and Zoning office as soon as possible.

ACTION: Motion by Dan Michnik, seconded by Matt Balling, to **TABLE** this agenda item until the applicant returns with the appropriate information.

VOTING: Ayes: All MOTION PASSED

Agenda Item III – Amendment to Master Plan 2015 – Harris Hill TND

Matt Balling stated that the Planning Board has drafted a recommendation to alter the text of the comprehensive plan in regards to the limitations on architectural style in the Harris Hill Traditional Neighborhood District. He felt that it is an appropriate change to the Master Plan. Paul Shear felt it was appropriate and somewhat overdue. Jim Hartz stated that, procedurally, it is a Type I action under SEQR which requires solicitation of lead agency status.

ACTION: Motion by Dan Michnik, seconded by Lou Depowski, to seek lead agency status on this agenda item.

VOTING: Ayes: All MOTION PASSED

Agenda Item IV – Adequate Public Facilities Local Law/Amendments to Master Plan 2015

Matt Balling stated that since receiving a draft copy (dated June 7, 2005), there are some changes being proposed. Based on that, he did not feel there should be any official action taken at this time. Councilman Bylewski stated that it is still a “work in progress.” One item that needs to be addressed is the Technical Review Committee (TRC) and whether they will be part of the MRC; and, how it will relate to the SEQR process. A representative from the school district would be one member of the TRC.

ACTION: Motion by Rich Bigler, seconded by John Moulin, to have this agenda item be a

standing item on future agendas, pending more input from the Town Board and Planning Board.

VOTING: Ayes: All

MOTION PASSED

Agenda Item V – Residential Home Building Cap

There was a discussion regarding information forwarded to Board members since the last meeting. Matt Balling suggested tabling this agenda item due to the time constraints of the evening. It would also give Board members the time needed to further review this information.

ACTION: Motion by Dan Michnik, seconded by Rich Bigler, to **TABLE** this agenda item until the next MRC meeting.

VOTING: Ayes: All

MOTION PASSED

New Business

ACTION: Motion by Matt Balling, seconded by Lou Depowski, to change the order of the New Business agenda items.

VOTING: Ayes: All

MOTION PASSED

Agenda Item I – Lakeside Industrial Business Park

Bill Schutt, representing the project applicants John and Braddell, referenced his letter to Jim Callahan dated June 29, 2005. He stated that the Braddells own and control two pieces of property; one is 64 acres off of County Road and the other is 40 acres off of Goodrich Road. This project incorporates a 20-acre piece of the 64-acre parcel off of County Road. Within the 20-acre piece, they plan to build a public road and divide the property into 11 industrial lots for sale and development by others. He said that the EAF has been structured to address the entire piece of property owned by the Braddells. Included in the EAF is a boundary survey and concept plan for phase 1 (the 20 acres – 11 lots); also included is an overall concept plan which shows the future potential development of the entire property as an industrial park. He doesn't know if it would ever take place, but it is being done to show potential development. He brought with him a supplemental report to the EAF, done by Wilson Environmental; it addresses potential endangered species and federal or state jurisdiction wetlands. It has been determined that there are neither.

Matt Balling mentioned the Town's Right-To-Farm Committee and their potential interest in looking at this project. He also mentioned a letter received from a resident who objects to this land being removed from agricultural use.

Matt Balling explained that the MRC has not had the opportunity to digest all the application materials; therefore, they are not prepared to seek lead agency status at this time.

Steve Bakowski stated that he and his wife have a ‘gentlemen’s agreement’ with the Braddells to develop 10 acres on the site. Three acres will be developed immediately with self-storage buildings, which is a permitted use within the zoning. They have been working on their project for four years, and are anxious to keep things moving.

Bill Schutt stated that the Braddells are not developing the individual lots; they are developing the infrastructure. After they sell each lot, the individual site plans will come back to the Town for review.

ACTION: Motion by John Moulin, seconded by Dan Michnik, to **TABLE** this agenda item for further review.

VOTING: Ayes: All **MOTION PASSED**

**Agenda Item II – Castine Open Development Area
7050 Goodrich Road**

The applicant, Norm Castine, was present and reviewed the site plan with MRC members. Matt Balling mentioned that they would not be taking any action on this item because they have not reviewed the site plan for the project. Mr. Castine stated that he had submitted everything that was requested of him. Paul Shear asked Mr. Castine about the size of the largest building that would be built on one of the lots. It says 45’ high on the EAF form and that would be in violation of the zoning law. Mr. Castine said that he asked the Planning Department to help him with the form. John Moulin questioned the total number of lots. He said that there may be the potential for an additional building lot off of Goodrich or Lapp Road.

The owner of the northern portion of the property is currently constructing a single-family home and it was not reviewed under SEQRA because it was a Type II Action. The only portion under review is the open development area on approximately 28.5 acres.

It was discussed that a revised EAF part I would be prepared and a site plan will be forwarded to the members for their review at next month’s meeting.

ACTION: Motion by Lou Depowski, seconded by Rich Bigler, to **TABLE** this item until the board has a chance to review the site plan.

VOTING: Ayes: All **MOTION PASSED.**

**Agenda Item III – Natale Office Building
9159 Main Street**

Angelo Natale was present to describe his project. The project involves the construction of an 8,200 sq. ft. single-story office building with associated utilities and parking. It will be similar in

**Municipal Review Committee
Planning & Zoning Conference Room**

**August 15, 2005
7:00 p.m.**

style to the two office buildings he built across the street. He will be razing a number of dilapidated structures on the property. The area was known as Shantytown. The structures are unsafe and unsightly. There was no EAF presented to the board prior to the meeting. It was discussed that they will place this item on their next agenda if all review materials are submitted on time.

ACTION: Motion by Dan Michnik, seconded by Paul Shear, to **TABLE** this item until next month's meeting when there is enough time to review the forms and site plan.

The Board established their next meeting date as September 19, 2005 at 7 p.m. with a 6:30 p.m. work session.

Motion by Dan Michnik, seconded by John Moulin, to adjourn the meeting at 9:35 p.m.